



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,650	09/20/2000	Alan Peevers	17002-018110US	5451

20350 7590 04/10/2003

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

BECKER, SHAWN M

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 04/10/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

5

## Office Action Summary

Application No.

09/666,650

Applicant(s)

PEEVERS ET AL.

Examiner

Shawn M. Becker

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because Fig. 1 should contain reference numerals for each item shown, which are correlated to a description in the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

2. Claim 7 is objected to because of the following informalities: "of video signal" is line 3 should be --of the video signal-- or --of said video signal--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 recites the limitation "said animation screen" in line 5. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2173

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S.

Patent No. 6,285,381 to Sawano et al. (hereinafter Sawano).

Sawano describes a method of generating a computer-generated animation, which displays an animation scene including a plurality of 3D objects and an object selection screen for allowing a user to select one object currently displayed in the animation scene as a selected object. See col. 8, lines 23-29, which describes how the user can select an initial object, such as a doll or animal. Fig. 11 shows an example of a 3D object. Sawano provides a video signal from a source external to the computer, displays a video selection icon, and if the user clicks the video selection icon, texture maps the video signal onto the selected object in the scene so that texture-mapped video signal is displayed on the surface of the selected object. See col. 8, lines 34-50, which describe capturing the image from a video signal through the use of an icon and col. 8, line 63 - col. 9, line 15, which describes how the video signal is used as a texture for the scene.

Referring to claim 2, Sawano discloses that the video signal is provided through the use of a video camera to generate the video signal in real time. See col. 8, line 38).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-<sup>11</sup> are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawano and U.S. Patent No. 5,696,892 to Redmann et al. (hereinafter Redmann). RB

Referring to claim 3, although Sawano mentions that the video signal may be texture mapped onto a face (col. 7, lines 45-53), Sawano does not explicitly teach displaying a face template that is scaled to match a target object and orienting a video signal image so that an image of a face is aligned with the face template and features of the face are overlaid by feature indications of the template. However, Redmann teaches a method of creating 3D animation that uses predefined images and texture maps a video signal to the predefined images (col. 4, lines 48-65), which is similar to Sawano. Redmann teaches displaying a face template having facial feature indications and oriented and scaled to match a target object included in the animation, with feature indications corresponding to similarly oriented regions on the target object, orienting a video signal image so that an image of a face is aligned with the face template and features of the face are overlaid by feature indications of the template, and mapping features of the face aligned to feature indications of the template to corresponding regions of the target object. See col. 17, lines 23-33, which describe how key features, such as the chin and nose of a real person's face are aligned with a 3D virtual world face, and the texture of the real face is mapped to the animated face. It would have been obvious to one of ordinary skill in the art to modify the animation method of Sawano to orient the video signal image to align with facial features of a face template and texture map the video signal to the feature indications of the template in order to provide a realistic 3D representation of a face.

Referring to claims 4-6, Sawano discloses altering the appearance of the texture-mapped video through animation (col. 3, lines 30-33) and through controls for brightness, contrast, and tones (col. 9, lines 3-8), it is not clear that the appearance of the texture is altered when a selected event is detected during the playing of the video signal.

However, Redmann describes altering the texture-mapped video when selected events are detected during the playing of the video signal. See col. 4, lines 14-27. Redmann discloses detecting a selected event in an audio signal being animated (claim 5). See col. 19, lines 41-45, which describes synchronizing sound or a voice generated by an actor with the animated texture. Redmann discloses detecting a selected event in the video signal being texture mapped (claim 6). See col. 19, lines 32-40, which describe detecting events from a scripted performance by an actor, whose video is being texture mapped. It would have been obvious to one of ordinary skill in the art to modify the animation method of Sawano to include altering the texture-mapped video when selected events are detected during the playing of the video signal as taught by Redmann in order to animate the object based on movements or scripts by the actor as supported in Redmann.

Referring to claim 7, Sawano does not explicitly state, but implies detecting when the luminescence parameter of the video signal passes a threshold. See col. 41-46, which describes converting the luminance data into monochrome texture data. It would have been obvious to one of ordinary skill in the art to detect when the luminescence parameter passed a threshold because a very high luminescence would not show up well on the display and would distort the image.

Referring to claim 8, Sawano discloses that the act of altering the texture-mapped video comprises altering an image parameter of the texture-mapped video. See col. 9, lines 3-8.

Referring to claim 9, Sawano discloses that the act of altering the texture-mapped video comprises the acts of altering a display palette for the texture-mapped video to cause the texture-mapped video to appear blocky. As an example, see Figs. 16 and 17.

Referring to claim 10, Sawano discloses the act of altering comprises the acts of altering the luminosity of selected areas of the texture-mapped video. See col. 9, lines 3-8, which describe altering the brightness of selected areas of the texture-mapped video.

Referring to claim 11, Sawano discloses that the act of altering comprises the acts of elevating a first region of the texture-mapped video when a selected event is detected and depressing a second region of the texture-mapped video when a selected event is detected. See col. 12, lines 20-26, which describes giving motion to individual parts of the body of the character, which includes elevating and depressing regions of the texture-mapped video when texture data is read.

### *Conclusion*

10. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach methods of texture mapping video signals to 3D objects and methods of texture mapping facial features to 3D models.

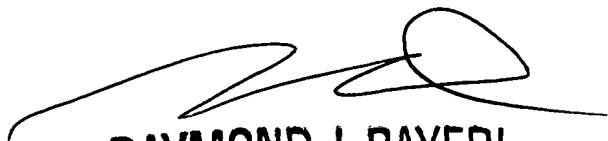
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is 703-305-7756. The examiner can normally be reached on M-T 8:00 - 5:30 and alternating Fridays.

Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 703-305-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-745-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

smb  
April 3, 2003



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173